

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Office of Personnel

District Personnel Manual Issuance System

DPM Instruction No. 12-23

This instruction should be filed behind the divider for Part III of DPM Chapter(s) 12

SUBJECT: Voluntary Leave Transfer Program

Date: March 5, 2004

1. Purpose

The purpose of this instruction is to provide information to agencies and employees about the new **Voluntary Leave Transfer Program**.

2. Authority

D.C. Law 15-68, the Voluntary Transfer of Leave Amendment Act of 2003, effective February 6, 2004 (D.C. Act 15-197; 50 DCR 9819; November 21, 2003).

3. General

- a. The **Voluntary Leave Transfer Program** is separate and distinct from the **Annual Leave Bank Program** pursuant to D.C. Official Code §§ 1-612.04 through 1-612.11 and §§ 1250 through 1258 of Chapter 12 of the D.C. Personnel Regulations, Hours of Work, Legal Holidays and Leave. The D.C. Office of Personnel (DCOP) administers the Annual Leave Bank Program.
- b. The District of Columbia Government Voluntary Transfer of Leave Amendment Act of 2003 requires that each agency (including independent agencies) establish and administer a Voluntary Leave Transfer Program to allow agency employees to transfer accrued annual or universal leave to the annual or universal leave account of any other eligible employee who is confronted with a serious health condition or has the responsibility to provide personal care to an immediate relative.
- c. Annual or universal leave transfers under the Voluntary Leave Transfer Program shall be on an hour-to-hour basis.
- d. The amount of leave transferred under the Voluntary Leave Transfer Program shall not exceed three hundred and twenty (320) hours during any twelve-month (12-month) period.

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart I, § 1.3]

Inquiries: DCOP, Management Services Administration, Benefits Section (202) 442-9655

Distribution: Heads of Departments and Agencies, HR Advisors, and DPM Subscribers

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4. Definitions

For the purposes of this instruction, the following terms have the meaning ascribed:

- a. **Agency** – any unit of the District government required by law, by the Mayor, or by the Council, to administer any law, rule, or any regulation adopted under authority of law. The term also includes any unit of the District government created by the reorganization of one (1) or more of the units of an agency and any unit of the District government created or organized by the Council as an agency.
- b. **Child** – any person under twenty-one (21) years of age; twenty-one (21) years of age or older who is substantially dependent upon the eligible employee by reason of physical or mental disability; and a person under twenty-three (23) years of age who is a full-time student.
- c. **Domestic partner** – a person with whom a District government employee enrolled in the D.C. Employees Health Benefits Program applicable to individuals first employed on or after October 1, 1987 maintains a committed relationship and who has registered the domestic partnership with the District of Columbia Department of Health (DOH).
- d. **Eligible Employee** – an individual who performs services as a District government employee, receives compensation for the performance of such services, is eligible to accrue annual or universal leave, and has been employed for at least one (1) year without a break in service.
- e. **Immediate relative** – a person to whom an eligible employee is related by blood, or marriage to the eligible employee as father, mother, child, husband, or wife; or an individual for whom the eligible employee is the legal guardian or domestic partner (as that term is defined in Paragraph 4c above).
- f. **Intimidate, threaten, or coerce** – includes promising to confer or conferring any benefit such as appointment, promotion, or compensation; or effecting or threatening to effect, any reprisal such as deprivation of appointment, promotion, or compensation.
- g. **Leave contributor** – an employee who contributes annual or universal leave to be transferred to a designated recipient employee.
- h. **Personal care** – custodial or primary assistance that helps an immediate relative of an eligible employee with activities of daily living, including bathing, eating, dressing, and continence. This definition includes the recent adoption of a child and the care of a newborn child by the eligible employee.

- i. **Prolonged absence** – an eligible employee’s absence from duty for at least ten (10) consecutive workdays that will result in a substantial loss of income to the eligible employee because of the unavailability of paid leave.
- j. **Recipient employee** – an eligible employee who is designated to receive annual or universal leave transferred from a leave contributor.
- k. **Serious health condition** – any pregnancy or physical or mental illness, injury, or impairment that involves a hospital, hospice, or residential health care facility or continuing treatment at home by a competent health care provider or other individual.

5. **Provisions of the Voluntary Leave Transfer Program (Program)**

a. **Employee application to receive transferred leave under the Program**

- (1) An eligible employee who anticipates experiencing prolonged absence due to a serious health condition or to provide personal care to an immediate relative, may make written application to his or her agency head (or designee) to become a recipient employee under the Program.
- (2) If the eligible employee is not capable of making an application on his or her own behalf, another agency employee may make written application on the employee’s behalf.
- (3) The information contained in the eligible employee’s application may only be used for the purpose of making a decision with regard to the application; and all information contained in, and accompanying the application, must be kept confidential.
- (4) All applications to receive transferred leave under the Program should include at least all of the following:
 - (a) The eligible employee’s name, position title, and grade;
 - (b) The name and organizational location within the agency of the potential leave contributor;
 - (c) The anticipated duration of the prolonged absence;
 - (d) The number of hours of leave requested;
 - (e) An affidavit attesting that the individual requiring personal care is an immediate relative, or that the personal care is due to the recent adoption of a child or to care for a newborn child; and

- (f) Certification from a physician or other licensed health care professional that the eligible employee has experienced a serious health condition or that the employee's immediate relative requires personal care, except that no certification shall be required in cases of pregnancy, the recent adoption of a child, or care of a newborn child.

b. Agency consideration of employee applications to receive transferred leave under the Program

- (1) The agency head (or his or her designee) will promptly consider employee applications to receive transferred leave under the Program. If the agency head (or his or her designee) determines that the agency or a program within the agency would be substantially disrupted from carrying out its functions or would incur additional costs because of an employee's or group of employees' participation in the Program, the agency head may exclude the employee or group of employees from the Program.
- (2) When a determination is made to exclude an eligible employee or group of eligible employees from receiving transferred leave under the Program for the reasons specified above, the agency head (or his or her designee) must submit a report to the Director of the D.C. Office of Personnel specifying how the organization or program would be substantially disrupted from carrying out its functions or would incur additional costs if the eligible employee is allowed to participate in the Program. This information should also be included in the Voluntary Transfer of Leave Program Report.
- (3) In addition to the determination described above, before approving an application, the agency head (or his or her designee) must:
 - (a) Determine if the request to become a recipient employee is necessitated by a prolonged absence due to the employee's serious health condition or the employee's responsibility to provide personal care to an immediate relative; and
 - (b) Review the leave record; consider the probability that the eligible employee may separate from service during the period that the transferred leave would be taken; and any exigency or disruption in service that the agency may experience.
- (4) The agency head (or his or her designee) must approve or disapprove an application for transfer of leave under the Program within fifteen (15) calendar days of receipt of the application. If the employee is eligible for leave under the Family and Medical Leave provisions of 28 U.S.C. § 2601 *et seq.*, the leave transfer must be granted.

c. Application to become a leave contributor under the Program

- (1) An employee may transfer annual or universal leave to the Program by written application to the agency head (or his or her designee) that specifies the number of hours of annual or universal leave to be transferred.
- (2) The transfer of annual or universal leave cannot total more than one-half (1/2) of the amount of annual or universal leave that the contributor would have been entitled to accrue during the leave year; provided that a leave contributor may contribute restored annual leave without limitation.
- (3) Annual leave transferred under the Program is to be deducted from the leave contributor's account effective the first pay period following approval of the transfer by the agency head (or his or her designee). Therefore, once the leave transfer is deemed approved, the appropriate agency official must:
 - a. Prepare and forward to the Office of the Chief Financial Officer, Office of Pay and Retirement Services, a leave adjustment form to reduce the leave contributor's annual leave balance in the automated leave system by the number of hours of leave contributed, with the notation "Contribution of annual leave to the Voluntary Leave Transfer Program" in the "Remarks" section; and
 - b. Make the following notation in the "Remarks" section of the leave contributor's Time and Attendance Report for the pay period in which the annual leave contribution is effective:

"Employee's annual leave balance reduced by contribution to the Voluntary Leave Transfer Program."
- (4) Universal leave transferred under the Program is to be deducted from the leave contributor's account effective the first pay period following approval of the transfer by the appropriate Deputy Mayor (or his or her designee).

d. Receipt and use of transferred leave

- (1) Each agency shall maintain an account of leave transferred to the Program and the leave records of each recipient employee and leave contributor.
- (2) Leave can be used in the same manner as if the leave had been accrued by the employee, provided that any annual, universal leave, sick leave, or advanced leave has been exhausted before any transferred leave may be used.
- (3) During the period in which transferred leave is being used, no annual, universal, or sick leave shall accrue to the recipient employee.

(4) Unused leave is not subject to any form of lump-sum leave payment upon the recipient employee's separation from District government service.

(5) Any unused transferred leave shall be forfeited or may be transferred to the Annual Leave Bank Program upon the concurrence of the DCOP.

e. Termination of Use of Transferred Leave under the Program

The use of transferred leave shall terminate when:

(1) The recipient employee is no longer affected by the medical emergency; or

(2) The recipient employee is terminated or separated from District government services.

6. Prohibition of Intimidation, Threat or Coercion

An agency employee shall not be directly or indirectly intimidated, threaten, or coerced by any other employee for the purpose of interfering with any right that the employee may exercise to contribute, receive, or use annual or universal leave under the Program.

7. Voluntary Transfer of Leave Program Report

a. **On or before January 1 of each year**, participating agencies (including independent agencies) shall provide a Voluntary Transfer of Leave Program Report to the DCOP. The report must include:

- (1) A comprehensive list of all voluntary leave bank contributors and transfer of leave recipients;
- (2) Documentation demonstrating that proper deductions have been taken from the contributor's leave accrual;
- (3) Documentation demonstrating the actual transfer of leave to the recipient employee; and
- (4) List of eligible employees or group of employees excluded from the Program because approving the request would have resulted in substantial disruption of the functions of the agency as a whole or a component/program within the agency, or would have resulted in additional costs. The list should also include:
 - (a) Information on manner in which the agency or program within the agency would have been substantially disrupted from carrying out its functions; or

- (b) The amount of additional cost that would have been incurred, and the reasons for the additional costs.
- b. The DCOP must submit a Voluntary Transfer of Leave Report (Report) to the Council of the District of Columbia **on or before February 1 of each year**. The Report must include the information specified above for all agencies, including independent agencies.

Judy D. Banks
Acting Director of Personnel